

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – SANTA ANA REGIONAL WATER BOARD  
NOVEMBER 15, 2022**

**ITEM 9**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO REVISE THE SCHEDULE FOR ATTAINING THE FECAL COLIFORM TOTAL MAXIMUM DAILY LOADS FOR THE SHELLFISH HARVESTING BENEFICIAL USE IN NEWPORT BAY.

**DISCUSSION**

On June 3, 2022, the Santa Ana Water Board adopted [Resolution No. R8-2022-0017](#), approving an amendment to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) to extend the deadline for attainment of the Fecal Coliform TMDLs for the shellfish harvesting beneficial use (SHEL) from December 31, 2022 to December 31, 2030, update the deadline in Table 6-1f, revise the implementation plan schedule in Table 6-1g, and make other editorial changes for clarity in Chapter 6, Section 3.a of the Basin Plan. The Basin Plan amendment is needed to allow sufficient time to consider, formulate, and complete projects to assess the appropriateness of the current bacteria water quality objectives for protection of SHEL in the Basin Plan, which were incorporated into the Fecal Coliform TMDLs for Newport Bay. The Basin Plan amendment does not revise the attainment date for the water contact recreation beneficial use (REC-1) aspect of the Fecal Coliform TMDLs, though it does correct a typographical error in that date in Table 6-1f.

The Santa Ana Water Board established Fecal Coliform TMDLs for Newport Bay to protect both the SHEL and REC-1 beneficial uses in 1999. These TMDLs include wasteload and load allocations and an implementation plan to assure attainment of water quality objectives. The Santa Ana Water Board previously revised the original attainment date for meeting the SHEL water quality objectives from December 30, 2019, to December 31, 2022. However, the Santa Ana Water Board was not able to secure and allocate the funding needed for completion of the special studies required to determine whether the current SHEL water quality objectives are scientifically supported and correlate with bacteria and pathogen loads in shellfish tissue. As a result, the contractor (Southern California Coastal Water Research Project – SCCWRP), was only able to complete the first phase of the study in April 2022, which was for dry weather conditions ([SCCWRP Technical Report 1193](#)). That study did not find a correlation between the bacteria water quality objectives and bacteria and pathogens in shellfish tissue.

The second phase of the study, which is for assessing whether a correlation can be found under wet weather conditions, is slated to begin in the fall of 2022. That study

may take anywhere from two to potentially six years to complete, depending on whether enough significant precipitation events occur, and sufficient data can be collected for statistical analysis. The Basin Plan amendment would extend the final TMDL attainment date for SHEL to allow the completion of the wet season study, and any follow-on studies determined to be necessary to evaluate the scientific applicability of the current SHEL fecal coliform water quality objectives. Following completion of the wet weather study and any additional studies, the Santa Ana Water Board may need to develop site-specific objectives and/or new TMDLs to protect the SHEL beneficial use in Newport Bay. The extension takes into account the need for time to determine the best path forward for that process.

## **POLICY ISSUE**

Should the State Water Board approve the amendment to the Santa Ana Region's Basin Plan to revise the schedule for attaining the Fecal Coliform TMDLs for the shellfish harvesting beneficial use in Newport Bay, as adopted by Santa Ana Water Board Resolution No. R8-2022-0017?

## **FISCAL IMPACT**

Work completed by Santa Ana Water Board and State Water Board staff associated with or resulting from this action will be addressed with existing and future budgeted resources.

## **REGIONAL BOARD IMPACT**

Approval of the Santa Ana Water Board Resolution No. R8-2022-0017 will amend and update the region's Basin Plan.

## **STAFF RECOMMENDATION**

Staff recommends that the State Water Board approve the proposed Resolution.